

2155
AF/TFW

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael Tolson, et al.
App. No. : 09/852,979
Filed : May 8, 2001
For : METHOD AND SYSTEM FOR
BUSINESS APPLICATION OF A
PORTABLE INFORMATION
AGENT
Examiner : Kevin T. Bates

Group Art Unit: 2155

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

July 27, 2005
(Date)

Ted M Cannon
Ted M. Cannon, Reg. No. 55,036

PETITION FOR WITHDRAWAL AS ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Director Group 2155

Dear Sir:

Pursuant to 37 C.F.R. § 2.19(b), the Petitioner requests permission to withdraw as attorney for applicant, Michael Tolson, et al., in all matters pending before the Patent and Trademark Office. The Petitioner is authorized by, and makes this request on behalf of the law firm of Knobbe, Martens, Olson & Bear, LLP (Customer No. 20, 995), including all of its individual members.

The last known mailing address of the Assignee of the entire interest is:

Convoii, Inc.
1900 South Norfolk Street, Suite 135
San Mateo, CA 94403

Appl. No : 09,852,979
Filed : May 8, 2001

The basis for the request for withdrawal is 37 C.F.R. § 10.40(c)(1)(vi). The following facts are submitted for consideration:

1. That Applicant has failed to pay one or more bills, the outstanding account balance has been more than \$40,000 since November 23, 2004, and currently stands at \$52,154.
2. That Applicant was given notice on May 23, 2005 that the Petitioner would withdraw if Applicant did not pay the current balance.
3. That Applicant is unwilling to pay the full amount of the current balance.

The application was filed on May 8, 2001 and its current status is Pending. There is an outstanding term for response which is set to expire on August 13, 2005. The above term is extendable under 37 C.F.R. § 1.136(a) until November 14, 2005 and the fees for such extension are not being submitted herewith.

The Petitioner has taken reasonable steps to avoid foreseeable prejudice to the rights of the client. Such that the Applicant's rights are preserved, and in accordance with 37 C.F.R. § 10.40(a), the Petitioner has delivered into the possession of the Applicant the following information:

- (1) due notice that the attorney is withdrawing;
- (2) a copy of this petition, including attachments;
- (3) the time necessary for response;
- (4) the address of the Patent and Trademark Office where the Applicant needs to write;
- (5) if extensions and extension fees are required, then this information has also been indicated; and
- (5) all papers and property to which the client is entitled.

A copy of the letter to the client is attached.

In accordance with 1058 O.G. 32, this petition is enclosed in triplicate to expedite its handling.

The Petitioner, on behalf of the law firm of Knobbe, Martens, Olson & Bear, LLP, (Customer No. 20,995), including all of its individual members, respectfully requests permission

Appl. No : 09,852,979
Filed : May 8, 2001

to withdraw as attorney in the above-referenced case now pending before the U.S. Patent and Trademark Office.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 7/27/2005

By: Ted M Cannon
Authorized and Signing on behalf
of all attorneys of record

Ted M. Cannon
Registration No. 55,036
Attorney of Record
Customer No. 20, 995
(949) 760-0404

Attorneys of Record and Registration Numbers:

Mark M. Abumeri	43,458	Andrew M. Douglas	51,212
Adeel S. Akhtar	41,394	Nathan E. Durrance	47,542
Daniel E. Altman	34,115	Michael L. Fuller	36,516
Erik T. Anderson	52,559	Eric S. Furman, Ph.D.	45,664
Katsuhiko Arai	43,315	Mark J. Gallagher, Ph.D.	43,622
Thomas R. Arno	40,490	Sheila R. Gibson	54,120
James Ausley	49,076	John P. Giezentanner	39,993
Brenton R. Babcock	39,592	Sanjivpal S. Gill	42,578
Aaron D. Barker	51,432	Marina L. Gordey, Ph.D.	52,950
James B. Bear	25,221	Christy G. Lea	51,754
Mark R. Benedict, Ph.D.	44,531	John M. Grover	42,610
Frederick S. Berretta	38,004	Michael A. Guiliana	42,611
Nira M. Brand	52,648	Jon W. Gurka	44,139
William B. Bunker	29,365	Drew S. Hamilton	29,801
Ted M. Cannon	55,036	Daniel Hart, Ph.D.	40,637
Vito A. Canuso	35,471	Jennifer A. Haynes, Ph.D.	48,868
John M. Carson	34,303	John F. Heal	53,008
James W. Chang, Ph.D.	52,718	Jerry L. Hefner, Ph.D.	53,009
Che S. Chereskin, Ph.D.	41,466	Lee W. Henderson, Ph.D.	41,830
Amy C. Christensen	52,742	Gregory A. Hermanson	53,018
Paul N. Conover	44,087	James W. Hill, M.D.	46,396
Mallary K. de Merlier	51,609	Curtis R. Huffmire	48,877
Karoline A. Delaney	44,058	Dale C. Hunt, Ph.D.	41,857
Curtiss C. Dosier	46,670	Ned A. Israelsen	29,655

Appl. No : 09,852,979
Filed : May 8, 2001

Bruce S. Itchkawitz, Ph.D.	47,677	Glen L. Nuttall	46,188
Eric B. Ives	50,928	Michael S. Okamoto	47,831
David G. Jankowski, Ph.D.	43,691	Perry D. Oldham	52,082
Russell M. Jeide	54,198	Darrell L. Olson	28,247
Joseph F. Jennings	40,664	C. Philip Poirier	43,006
Stephen C. Jensen	35,556	Joseph R. Re	31,291
Suzanne G. Jepson, Ph.D.	51,848	Joseph M. Reisman, Ph.D.	43,878
AnneMarie Kaiser	37,649	John G. Rickenbrode	57,067
John N. Kandara	55,314	Robert J. Roby	44,304
Benjamin A. Katzenellenbogen	53,102	Arthur S. Rose	28,038
Lauren J. Keller	56,553	Raimond J. Salenieks	37,924
Mark J. Kertz	43,711	Edward A. Schlatter	32,297
John R. King	34,362	Kyle F. Schlueter	54,912
Karl L. Klassen	54,224	Ronald J. Schoenbaum	38,297
Louis J. Knobbe	18,780	John B. Sganga, Jr.	31,302
Irfan A. Lateef	51,922	William H. Shreve	35,678
Sabing H. Lee	43,745	Andrew H. Simpson	31,469
Karen J. Lenker	54,618	Thomas F. Smegal, Jr.	20,732
James F. Lesniak	25,240	Raymond D. Smith	55,634
Linda H. Liu	51,240	Paul C. Steinhardt	30,806
Eli A. Loots, Ph.D.	54,715	Craig S. Summers	31,430
Joseph J. Mallon, Ph.D.	39,287	Sheila N. Swaroop	53,658
Don W. Martens	21,107	Kerry S. Taylor, Ph.D.	43,947
Andrew N. Merickel, Ph.d.	53,317	Rose M. Thiessen, Ph.D.	40,202
Tiffany C. Miller	52,032	Connie C. Tong	52,292
Marc T. Morley	52,051	Michael H. Trenholm	37,743
Douglas G. Muehlhauser	42,018	Gerard von Hoffmann	33,043
Scott Loras Murray	53,360	Nancy Ways Vensko	36,298
Rabinder N. Narula	53,371	Josué A. Villalta	54,511
Steven J. Nataupsky	37,688	David N. Weiss	41,371
Eric M. Nelson	43,829	Walter S. Wu, M.D.	50,816
Sharon S. Ng	53,383	Lori Lee Yamato	40,881
William H. Nieman	30,201		

1806977
071105

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Tel 949-760-0404
Fax 949-760-9502
www.kmob.com

Louis J. Knobbe
949-721-2828
lknobbe@kmob.com



July 15, 2005

VIA FEDERAL EXPRESS

Curt Somoza
Convoii, Inc.
1900 S. Norfolk Street, Suite 135
San Mateo, CA 94403

Ken Buchanan
Convoii, Inc.
7 Castillo
Irvine, CA 92620-1828

Re: **Notice of Withdrawal from Intellectual Property Representation**
Our Reference: CJB.000GEN

Dear Curt and Ken:

We regret to inform you that we have decided to withdraw from our representation of Convoii and its related companies beginning on July 27, 2005. We have made this decision because Convoii and its related companies have not paid down their substantial balance of over \$50,000.

As you know, we have delayed our withdrawal from representation for many months. We have hoped that the situation would improve and that Convoii would be able to pay off its substantial balance. However, we have decided that we must finally withdraw to remove the burden of remaining as attorneys of record on Convoii's substantial number of active patent applications. If Convoii does become able to pay the balance, we would be happy to discuss resumption of representation.

As we are preparing to withdraw from our representation of Convoii, we have listed below important information concerning the status of Convoii's pending patent applications. **Please review the below information carefully, as much of it is important for preserving your rights in the patent applications.**

San Diego
619-235-8550

San Francisco
415-954-4114

Los Angeles
310-551-3450

Riverside
951-781-9231

San Luis Obispo
805-547-5580

Curt Somoza and Ken Buchanan
July 15, 2005
Page -2-

Application Status and Other Important Information

1. **Withdrawal Procedure**

We can withdraw from representation either with your voluntary approval or by petition to the USPTO. It is our practice to request that you approve our withdrawal because this allows the USPTO to update its records more quickly so that we are not attorneys of record and the USPTO will send future actions to you (or substitute counsel) rather than to us. Note, however, that whether you approve our withdrawal is entirely up to you. If you decide to approve our withdrawal, please have an authorized officer of Convoii (or Concentric Technologies) sign, date, and return to us the enclosed "Revocation of Power of Attorney" documents.

Alternatively, we have prepared petitions to the USPTO to withdraw as attorneys of record from all pending Convoii patent applications. We have enclosed blank copies of such petitions for your reference. We plan to file these petitions on July 27, 2005 if you have not authorized our withdrawal before then.

2. **Transfer of Files**

We will send the papers and other property to which you are entitled to Convoii, or, if you obtain substitute counsel, to another law firm that you designate. We plan to send the files to the following address:

Convoii, Inc.
1900 S. Norfolk Street, Suite 135
San Mateo, CA 94403

Note that we also plan to designate the above address as the USPTO's correspondence address for mailing future actions. Accordingly, please let us know if this address has changed or if, for any reason, you want us to send the files to or designate a different address.

3. **Upcoming Response Due Dates**

We have listed below the applications for which a response to the USPTO is pending.

As you are aware, if you choose to not respond to the USPTO in any application, the application will go abandoned and you will lose potential patent rights. Furthermore, it is our understanding that one or more of these applications are the subject of contractual provisions that may impose substantial liability if you abandon the applications or do not prosecute them. Accordingly, please note below the abandonment date for each application. Please also note that these applications may be subject to extension fees, as noted below, which you will have to pay with any response filed with the USPTO.

Curt Somoza and Ken Buchanan
July 15, 2005
Page -3-

Method and Apparatus for a Distributable Globe Graphical Object Patent Application

Our Reference: ENVOII.016A
Response Description: Reply to First Office Action
Response Due Date: July 28, 2005 (extendable to September 28, 2005)
Extension Fees Due: \$120 if filed by July 28, 2005; \$450 if filed by August 29, 2005;
\$1,020 if filed by September 28, 2005.
Abandonment Date: September 29, 2005

Method and Apparatus for a Portable Information Agent Patent Application

Our Reference: ENVOII.015A
Response Description: Reply to Second Office Action
Response Due Date: August 8, 2005 (extendable to October 6, 2005)
Extension Fees Due: \$120 if filed by August 8, 2005; \$450 if filed by September 6, 2005;
\$1,020 if filed by October 6, 2005.
Abandonment Date: October 7, 2005

Method and System for Business Application of a Portable Information Agent Patent Application

Our Reference: ENVOII.014A
Response Description: Reply to Second Office Action
Response Due Date: August 15, 2005 (extendable to November 14, 2005)
Extension Fees Due: \$0 if filed by August 15, 2005; \$120 if filed by September 15, 2005;
\$450 if filed by October 17, 2005; \$1,020 if filed by November 15, 2005.
Abandonment Date: November 15, 2005

Beta Release Provisional Patent Application

Our Reference: CJB.006PR
Response Description: File any non-provisional or foreign applications that will claim priority to this provisional application.
Response Due Date: September 30, 2005
Abandonment Date: October 1, 2005

4. **Foreign Patent Protection**

The deadline for filing foreign patent applications that claim priority to the Distributed Secure Repository, Relationship Managed Channels, or Policy Managed Objects patent applications is **September 14, 2005**. If you do not file a foreign application for any of these applications, you will lose many of your foreign patent rights on September 15, 2005.

Curt Somoza and Ken Buchanan

July 15, 2005

Page -4-

For any subject matter unique to the Beta Release Provisional application, you have until **September 30, 2005** to file foreign patent applications. You will lose many of your foreign rights with respect to this application on October 1, 2005. Please note that this later due date does not apply to any subject matter in the Beta Release Provisional application that is also in one of the earlier-filed applications. Such subject matter must be filed by **September 14, 2005**.

The least expensive way to preserve your foreign patent rights is to file a "PCT" application. The Patent Cooperation Treaty allows you to file a copy of your application as a single PCT application that preserves your rights to file an application in any PCT jurisdiction (such as Japan, Europe, Canada, etc.) for another 18 months from the foreign filing due date. At the end of the 18 months, you would have to file separate applications in each jurisdiction for which you desire patent protection. It would cost about \$4,000 to \$5,000 to file each PCT application, or a total of between \$16,000 and \$20,000.

For your information, I have enclosed a more detailed description regarding foreign patent protection and the PCT.

5. Substitute Counsel

We strongly recommend that you retain a registered patent attorney to prosecute the applications. Nevertheless, you are entitled to prosecute the applications before the USPTO on your own behalf. Note that responses to "non-final" Office Actions must be mailed to the following address:

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Responses to "Final" Office Actions must be mailed to the following address:

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Each Office Action typically includes a cover sheet with check boxes that indicate whether an Office Action is Final or non-final. Note that the pending Office Actions for the ENVOII.014A and ENVOII.015A cases are Final. The pending Office Action for the ENVOII.016A case is non-final.

Curt Somoza and Ken Buchanan

July 15, 2005


Page -5-

Follow Up

Please inform us immediately if the address set forth above in the "Transfer of Files" paragraph is incorrect or you want us to use a different address. If you decide to voluntarily approve our withdrawal, please have an officer of Convoii or Concentric (as appropriate) sign, date, and return the enclosed "Revocation of Power of Attorney" documents. (We can send you copies with a different correspondence address if necessary.)

Please do not hesitate to contact me with any questions that you may have regarding this matter.

Very truly yours,



Louis J. Knobbe

cc: Charles Jordan
William Shreve
Lee Henderson
Ted Cannon

1816137
071405

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Tel 949-760-0404
Fax 949-760-9502
www.kmob.com

Louis J. Knobbe
949-721-2828
lknobbe@kmob.com



May 23, 2005

Curt Somoza
Convoii, Inc.
3970 Brunston Court
Thousand Oaks, CA 91362

Ken Buchanan
Convoii, Inc.
13112 Wickshire Lane
Tustin, CA 92782-8718

Re: **Notice of Potential Withdrawal from Intellectual Property Representation**
Our Reference: CJB.000GEN

Dear Curt and Ken:

As you know, Convoii, Inc. and its related companies have amassed a substantial balance with our firm that has remained outstanding for many months. Currently, this outstanding balance exceeds \$50,000. Because Convoii has several patent applications pending before the United States Patent and Trademark Office, this balance will only continue to grow unless paid down. As you can appreciate, this places our firm in the untenable position of bearing the burden of prosecuting the patent applications without the corresponding benefit of compensation.

As I informed you several weeks ago, our firm cannot long remain in this untenable position. We continue to hope, as we have for several months, that Convoii can pay down its balance. Nevertheless, our accounts receivable department has decided that absent prompt payment, by May 30, 2005, we must begin to withdraw from representation on May 31, 2005 and must file security liens against the applications on which we have worked.

To avoid our withdrawal beginning on May 31, 2005, we request that you make payments by May 30, 2005, as follows. For any matter in which a response to the USPTO is pending, we request an advance retainer, in an amount set forth below for each matter, by May 30, 2005. To avoid our general withdrawal from all matters in which no response to the USPTO is pending, we request a substantial payment (at least \$30,000) toward the outstanding balance by May 30, 2005.

San Diego
619-235-8550

San Francisco
415-954-4114

Los Angeles
310-551-3450

Riverside
951-781-9231

San Luis Obispo
805-547-5580

Curt Somoza and Ken Buchanan
May 23, 2005
Page -2-

As indicated, if we do not receive such payments by May 30, 2005, we will begin the process of withdrawing from representation on May 31, 2005. Our withdrawal will be complete for each matter upon receiving, from the USPTO, leave to withdraw.

Required Retainers for Matters in Which Responses Are Pending

We have listed below the applications for which a response to the USPTO is pending and retainers required for us to prepare an appropriate response.

As you are aware, if you choose to not respond to the USPTO in any application, the application will go abandoned and you will lose potential patent rights. Furthermore, it is our understanding that one or more of these applications are the subject of contractual provisions that may impose substantial liability if you abandon the applications or do not prosecute them. Accordingly, please note below the abandonment date for each application.

Relationship Managed Channels and Distributed Secure Repository Patent Applications

To reduce up-front costs, we recommend consolidating the subject matter of these two applications into a single application. This would involve bodily incorporating the subject matter of the Distributed Secure Repository application into the Relationship Managed Channels application and allowing the Distributed Secure Repository application to go abandoned. This approach would reduce up-front costs such as filing fees and late fees and would still allow you to pursue claims for the subject matter of both applications. This approach would likely delay prosecution of the claims of the Distributed Secure Repository application.

Unless instructed otherwise, we will proceed per our recommendation to consolidate these cases in order to reduce up-front costs.

Our References: CJB.002A and CJB.003A

Response Description: Inventors' Declarations

Petition to proceed without every inventor's signature

Response Due Date: June 10, 2005; June 15, 2005

Required Retainer (consolidated cases): \$4,000

Required Retainer (non-consolidated): \$7,000

Abandonment Date: June 11, 2005; June 16, 2005

Portable Information Agents Architecture Patent Application

Our Reference: ENVOII.013A

Response Description: Reply to First Office Action

Response Due Date: June 6, 2005 (extendable to July 6, 2005).

Required Retainer: \$3,000

Abandonment Date: July 7, 2005

Curt Somoza and Ken Buchanan
May 23, 2005
Page -3-

Method and Apparatus for a Distributable Globe Graphical Object Patent Application

Our Reference: ENVOII.016A
Response Description: Reply to First Office Action
Response Due Date: June 28, 2005 (extendable to September 28, 2005)
Required Retainer: \$4,000
Abandonment Date: September 29, 2005

Method and Apparatus for a Portable Information Agent Patent Application

Our Reference: ENVOII.015A
Response Description: Reply to Second Office Action
Response Due Date: July 6, 2005 (extendable to October 6, 2005)
Required Retainer: \$4,000
Abandonment Date: October 7, 2005

Method and System for Business Application of a Portable Information Agent Patent Application

Our Reference: ENVOII.014A
Response Description: Reply to Second Office Action
Response Due Date: August 15, 2005 (extendable to November 14, 2005)
Required Retainer: \$3,000
Abandonment Date: November 15, 2005

Beta Release Provisional Patent Application

Our Reference: CJB.006PR
Response Description: File any non-provisional applications that will claim priority to this provisional application.
Response Due Date: September 30, 2005
Required Retainer: At least \$10,000 to \$20,000 per invention
Abandonment Date: October 1, 2005

Follow Up

Convoii's technology and intellectual property issues continue to intrigue us and we hope to avoid withdrawing from representation. Nevertheless, our firm cannot continue to bear the burden of prosecuting several patent applications without receiving a substantial payment toward the outstanding balance and upcoming responses to the USPTO.

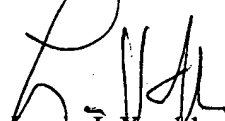
Curt Somoza and Ken Buchanan

May 23, 2005

Page -4-

After giving you a chance to receive and review this letter, we will call you to discuss these matters. Please do not hesitate to contact me with any questions you may have.

Very truly yours,



Louis J. Knobbe

cc: Charles Jordan
Lee Henderson
William Shreve

1722268
052005